



December 5, 2014

City of Annapolis  
Department of Neighborhood & Environment Programs  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

Attn: Frank Biba, Chief of Env. Programs

Re: Forest Conservation Plan Resubmittal  
Annapolis Townes at Neal Farm

Dear Mr. Biba,

The following is a point – by- point response to your comment letter dated September 4, 2014. Please note that since the initial submittal of this project, after community input requesting that the name of the project include a name historically connected to the community, the name of the project has been changed to Annapolis Townes at Neal Farm.

It should be noted that since the time we received the comment letter the developers have met several times with the Dorsey Community, attended a Planning Commission work session, and discussed the project and layout with the Planning and Zoning Department. A number of the suggestions made by the community, the Planning and Zoning staff and the Commissioners during the Planning Commission work session have been incorporated into this latest plan. In addition, a field trip to Maple Lawn was arranged by Williamsburg Homes with members of Planning and Zoning and the Planning Commission, and Alderwoman Pindell Charles, to see firsthand a similar high density urban development developed by the applicant to the one proposed. Since the original submittal, the layout has been revised to minimize the disturbance to steep slopes and buffers; shift units away from the southern boundary nearest Dorsey Drive and modify the outfall to a combination piping and coastal plains step pools which resulted in reduced forest clearing and an increase in forest retention.

Comment 1A: Forest Conservation Worksheet: Item C: other deductions 0.44. What does this refer to?

**Response1 A: Item C of the worksheet refers to the floodplain area on the property. The worksheet has been clarified accordingly.**

Comment 1B: Forest Conservation Worksheet: Assume a 50% tree mortality within 15' of the LOD and adjust the worksheet accordingly.

**Response 1B:** *The worksheet has been revised to assume a 50% tree mortality within 15' of the LOD.*

Comment 2: Sheet two does not clearly show the existing grades. Please use colors that are clearly legible to indicate the 15% to 25% existing slopes and the greater than 25% existing slopes. Please show existing and proposed grades more clearly within the entire limit of disturbance (LOD). Please show the 25' steep slope buffer more clearly on sheet two and the Preliminary Concept Plan.

**Response 2:** *Sheet 2 of the Forest Conservation Plan (FCP) will remain as an overall plan while sheets 3-5 have been added with each increasing the scale to 1"=20' for clarity. In addition, the steep slopes have been depicted in color as requested. While we have depicted a 25' steep slope buffer it should be noted neither city code nor the Forest Conservation Act requires such a buffer.*

Comment 3: Please overlay the proposed development plan on an aerial photo of the property.

**Response 3:** *Refer to sheet 3 of the Development Plan set for the proposed layout overlay of an aerial photo as requested.*

Comment 4(i): Natural Resources Article §5-1607 (c) outlines priority areas for retention and protection: (i) Trees, shrubs, and plants located in sensitive areas including intermittent and perennial streams and their buffers, and steep slopes.

**Response 4 (i):** *We acknowledge your statement.*

Comment 4 (ii): Contiguous forest. An intermittent stream exists on the site. The intermittent stream and buffer are a Priority Area for Retention and Protection. Extensive forested steep slopes (15% and greater) exist on the site. The forest steep slopes are a Priority Area for Retention and protection.

**Response 4 (ii):** *We acknowledge your statement.*

Comment: All on site forest, because it is part of a contiguous forest, has been designated as a Priority Area for Retention and Protection and is ranked as a Priority 1 Stand in the approved Forest Stand Delineation.

The Act allows incursion into priority areas if it can be demonstrated by the applicant that reasonable efforts have been made to protect them and the plan cannot reasonably be altered.

**Response:** *In response to this comment we have attached a justification letter prepared by Klebasko Environmental, LLC dated November 19, 2014. Mr. Klebasko's letter includes a justification letter prepared by Terry Schuman as the project engineer and includes a*

***letter of support from the community. We believe that these documents adequately describe the justification of the minor incursion into the forested areas.***

**Comment:** The proposed LOD, particularly the step pool conveyance system, units 44-50, the three micro-bioretenment areas, the 10' step pool access path, the 6' asphalt walking path, and some of the parking, significantly encroaches on the existing forested steep slopes, and disturbs the intermittent stream buffer.

The State Forest Conservation Technical Manual (Manual), Third Edition, 1997, on page 31-21, section 3.2.1 provides guidance on protection of contiguous forest through planning:

**Response:** ***The revised Development Plan has modified the layout and subsequently the LOD and forest clearing. Please refer to a letter prepared by Terry Schuman, Bay Engineering, Inc. dated November 19, 2014 which provides a Forest Stand Disturbance Comparison Table of the current proposal to the original FCP submittal. From this table a substantial decrease (0.37 Acres) in forest clearing is now being proposed.***

**Comment 4a:** Minimize habitat fragmentation by developing or disturbing existing edges, and restricting creation of new edges or openings.

**Response 4a:** ***Refer to the attached letters for the justification of the proposed plans.***

**Comment 4b:** Minimize fragmentation by retaining continuous canopy and understory cover.

The impacted forest on and adjacent to steep slopes has almost 100% canopy closure. The proposed LOD will completely open up the canopy in large existing forested areas and will more than likely cause significant degradation of the surrounding forest and affected steep slopes.

Soil and root compaction, root injury, limb or trunk injury, change in hydrology, increased susceptibility to diseases and insects, susceptibility to windthrow, sunscald erosion, and invasive exotic plants will more than likely significantly impact trees adjacent the LOD and may cause a significant number of trees to die. Furthermore, due to various factors such as invasive species, erosion, change in hydrology, and adjacent trees dying, it will be very hard for newly planted trees and shrubs to get established. Long term maintenance of the step pool conveyance system, the newly planted vegetation, and the adjacent forest are a minor concern.

Move the LOD outside of the 25' steep slope buffer (shown on the sheet two and the Preliminary Concept Plan) to preserve the existing contiguous forest, the existing forested steep slopes, and the intermittent stream buffer.

**Response:** *Refer to the attached Klebasko letter for justification and long term maintenance. Again as noted previously, while we have depicted a 25' steep slope delineation neither the city code nor the Forest Conservation Act requires such a buffer.*

Comment 5: Sheet two and the Preliminary Concept Plan: Show all trees within 15' of the LOD even if in an adjacent property.

**Response 5:** *Sheet 2 of the FCP has been revised to depict all trees within 15 feet of the LOD.*

Comment 6: Please provide a detailed demonstration as required by the Manual (page 3-5/6, section 3.1.1) if any area listed under item 1 through 3 is within the LOD.

**Response 6:** *Refer to the attached letters for the justification of the proposed plans.*

Comment 7: Please submit a variance for the removal of any tree associated with an historic structure, a Champion Tree, a tree with a diameter which is 75% of the State Champion of the species, or a tree 30" or larger.

**Response 7:** *A variance to remove Specimen tree #22 and #108 will be submitted to DNEP under separate cover.*

Comment 8: Please submit a variance for the removal of any tree, shrub, or plant identified on the list of rare, threatened, and endangered species of the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

**Response 8:** *As per the approved FSD Plan and Report, DNR has issued a letter dated June 27, 2012 indicating that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project.*

Comment 9: Please show how a 50% canopy will be achieved on the site by 2036.

**Response 9:** *A canopy coverage summary is provided on the Development Plans (sheet 4).*

#### STORMWATER Management

Comment 1: No preliminary computations or SWM Report have been provided.

**Response 1:** *A preliminary SWM report is included in the resubmittal package.*

Comment 2: The proposed porous pavement areas appear to be receiving a run-off from the surrounding drainage area which could reduce the efficiency and life cycle of the proposed porous pavement.

**Response 2:** *The permeable pavement areas have been revised to not receive any run-on flow.*

Comment 3: The entrance to the community does not appear to be treating any stormwater.

**Response 3:** *The entrance is being treated with the overall SWM plan/concept for the project. In particular it is being picked up in storm drain and treated in the step pools at the outfall.*

Comment 4: Where does runoff from the road near Units 46-50 flow to? There is not a storm drain system in this area.

**Response 4:** *Storm drain and concept has been revised and all runoff is addressed for the development.*

Comment 5: The drywells should be limited to small drainage areas, 500SF, per MDE Guidelines.

**Response 5:** *Due to recent USDA soil classification changes drywells are no longer being proposed. As we discussed in our recent meeting to discuss the SWM concept for this project we are now proposing above ground planter/filter boxes to treat portions of the roof runoff.*

Comment 6: Drywells seem to be provided for all units except Units 40-50. Is it correct to assume the runoff from these areas is being treated by the micro-bioretenment areas nearby?

**Response 6:** *Refer to response 5 above.*

Comment 7: Please confirm if the step pool system used on the northeast side of the site is meant for SWM. If it is, it will need to be designed in accordance with Unified Sizing Criteria.

**Response 7:** *The step pools do provide SWM for the development and computations have been provided showing the design in accordance with the unified sizing criteria.*

Comment 8: Please verify that the impervious area draining to each micro-bioretenment area #4 seems to have a significant amount of impervious area draining to it.

**Response 8:** *All micro-bio areas do not have a drainage area exceeding a ½ acre.*

#### Planning and Zoning:

Comment 1: Sheet 1 of 1 requires a graphic legend.

**Response 1:** *The Development Plan set now has a site legend requests.*

Comment 2: Sheet 2 of 4 is difficult to read. Please provide clear, readable plans.

**Response 2:** *The Development Plan set has been proposed with a larger scaled plan for clarity as noted.*

Comment 3: Context information for the surrounding area is required to understand the relationship of the preliminary site plan to the existing community.

**Response 3:** The property is positioned between existing small lot single family homes to the south located in Anne Arundel County. The area to the east is undeveloped, heavily wooded, in the floodplain and unlikely to be developed. The area to the north is generally undeveloped but planned for medium and high density residential and is located in the City. The area to the west is generally commercial and located both in the City and Anne Arundel County. The original development plan for the subject property during the annexation process was 155 multifamily rental apartments. The density, height and scale of the apartments would not have been in context with the surrounding area. The proposed 50 lot ownership townhomes are one third of the proposed density and smaller in scale. The townhome community proposed is an appropriate transitional use between the small lot single family homes to the south, the higher residential proposed to the north and the commercial uses to the west. A warm reception by the existing community to the south is validation of this point (see letter of support provided with this submission). The proposed use is in accordance with the City's Comprehensive Plan as well as the 2009 - 2014 Five Year Comprehensive Plan Update dated September 24, 2014.

Comment 4: Units 46 and 50 have a poor relationship to the existing neighborhood and should participate with existing Dorsey Drive.

**Response 4:** *As discussed units 46-50 from the previous submittal have been relocated in response to Planning and Zoning Commission concerning visitor parking and a SWM feature has been provided in this area and while the road has not been connected to Dorsey Road based on strong community opposition, an emergency vehicle connection (reinforced grass section) has been provided.*

Comment 5: The preliminary site plan does not adequately protect forested steep slopes: The LOD should be pulled back to the 25 ft steep slope buffer; The proposed SWM conveyance and step pool system requires the removal of specimen trees and outfalls at the base of specimen tree #108 (should be redirected), requires excessive grading and forest clearing (proposal should include limited disturbance within the existing trees).

**Response 5:** *The revised development plan has modified the layout and subsequently the LOD and forest clearing. Please refer to a letter prepared by Terry Schuman, Bay Engineering, Inc. dated November 19, 2014 which provides a Forest Stand Disturbance Comparison Table of the current proposal to the original FCP submittal. From this table a substantial decrease (0.37 Acres) in forest clearing is now being proposed. Again as noted previously, while we have depicted a 25' steep slope buffer neither the city code nor the Forest Conservation Act requires such a buffer.*

Comment 6: The preliminary site plan does not explain the relationship or heights of the proposed retaining walls.

**Comment 6:** *The Development Plans provide details elevations of the retaining walls as requested.*

Comment 7: Inadequate buffers are proposed along the property boundary, primarily the side lot lines.

**Response 7:** *During the Planned Development stage a detailed landscape plan will be provided to screen the buffers as well as coordination and approval with the adjacent Dorsey community.*

Comment 8: Please delineate the existing vegetation adjacent to and/or on the rear lots of the Dorsey Drive homes.

**Response 8:** *The existing vegetation adjacent to and/or on the rear lots of the Dorsey Drive homes has been added to the FCP.*

Comment 9: The lack of parking, particularly guest parking, appears to be an issue.

**Response 9:** *The revised layout provided sufficient unit and guest parking in accordance with the City Code requirements. A zoning summary with the parking calculations has been provided on the Development Plan package.*

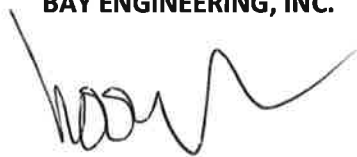
Comment 10: Recreation areas should be incorporated into the overall landscape and design, not added on in the leftover green space.

**Response 10:** *As we have previously discussed with Planning and Zoning and the Planning Commission the new lot layout provides useable open space and green area that are centrally located. Along with the walking paths the recreation area for the development has been improved substantially from previous proposal.*

I trust that the enclosed FCP and supporting documentation will be forwarded to the appropriate agencies for review and approval. If you should have any questions or comments, please do not hesitate to contact me at 410-897-9290.

Sincerely,

**BAY ENGINEERING, INC.**

A handwritten signature in black ink, appearing to read 'Terry Schuman', with a stylized, flowing script.

Terry Schuman, P.E.

Cc: Bruce Harvey – Williamsburg Group  
Don Taylor – DW Taylor  
Eliot Powell – Whitehall Development  
Mike Klebasko – Klebasko Environmental , LLC